United Nations CERD/C/NZL/Q/21-22

International Convention on the Elimination of All Forms of Racial Discrimination

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**Committee on the Elimination of Racial Discrimination**
**Ninety-third session**
31 July-25 August 2017
Item 4 of the provisional agenda
**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention**

# List of themes in relation to the twenty-first and twenty-second periodic reports of New Zealand

## Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. This is not an exhaustive list, other issues may also be raised in the course of the dialogue. No written replies are required.

**Legal, institutional and public policy framework for combating racial discrimination (arts. 2-7)**

2. Information on progress made in the development of the second human rights national plan of action, for the period 2015-2019, and on the involvement of stakeholders in its development (CERD/C/NZL/CO/18-20, para. 8; CERD/C/NZL/21-22, paras. 35-37; CERD/C/NZL/CO/18-20/Add.1, paras. 4-5).

3. Information on progress made by the Race Relations Commissioner and on the impact of the Human Rights Amendment Act 2016 on the Commissioner's independence and accessibility (CERD/C/NZL/CO/18-20, para. 6; CERD/C/NZL/21-22, paras. 32-33 and 98).

4. Information on prosecutions, convictions and sanctions related to hate speech and incitement to racial hatred (CERD/C/NZL/CO/18-20, para. 9; CERD/C/NZL/21-22, paras. 129-132; CERD/C/NZL/CO/18-20/Add.1, paras. 6-15).

5. Information on efforts made to promote ethnic harmony (e.g. through awareness-raising campaigns to combat ethnic and racial stereotypes and prejudice) (CERD/C/NZL/CO/18-20, para. 10).

6. Details and results of measures taken by the New Zealand Police to improve race relations (CERD/C/NZL/21-22, paras. 134-141).

7. Data on perpetrators of acts of racial discrimination prosecuted and sanctioned by the public authorities (CERD/C/NZL/CO/18-20, para. 12; CERD/C/NZL/21-22, para. 254).

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8. Concerning racial and ethnic minorities, outcome of the constitutional review process and information on the implementation of the recommendations of the Constitutional Advisory Panel (CERD/C/NZL/21-22, paras. 39-42).

**Situation of members of the Maori and Pasifika communities (arts. 2-7)**

9. Comprehensive data on the representation of members of the Maori and Pasifika communities at every stage of the criminal justice system (CERD/C/NZL/CO/18-20, paras. 11 and 15; CERD/C/NZL/21-22, paras. 142-171, and annexes).

10. Information on the effects of the application of the Marine and Coastal Area (Takutai Moana) Act 2011 on the enjoyment of Maori land and resource rights (CERD/C/NZL/CO/18-20, para. 13; CERD/C/NZL/21-22, paras. 78-83).

11. Information on the status of the Treaty of Waitangi in domestic law, on progress made regarding the settlement of claims made for violations of the Treaty of Waitangi, on the adequacy of the funding available for the Waitangi Tribunal, on any measures taken to ensure that any departures from the Tribunal's decisions are accompanied by a written justification by the Government and on the implementation of the Waitangi Tribunal's 2011 Wai 262 decision regarding Maori intellectual and cultural property rights (CERD/C/NZL/CO/18-20, paras. 7 and 14; CERD/C/NZL/21-22, paras. 11-14 and 47-50; CERD/C/NZL/CO/18-20/Add.1, paras. 16-17).

12. Information on measures to improve the situation of the Maori and Pasifika in the areas of government participation, housing, health outcomes and employment, including by addressing structural discrimination (CERD/C/NZL/CO/18-20, para. 15; CERD/C/NZL/21-22, paras. 172-287, and annexes).

13. Number of Maori and Pasifika children in State care (CERD/C/NZL/21-22, para. 271).

14. Details and information on progress made in respect of education plans and strategies for addressing the root causes of absenteeism and dropout rates and for increasing the educational performance of Maori and Pasifika children (CERD/C/NZL/CO/18-20, para. 15; CERD/C/NZL/21-22, paras. 180-192; CERD/C/NZL/CO/18-20/Add.1, paras. 37-39).

15. Information on the substance of the Maori Language Act 2016 and on progress made in preserving Maori, Pasifika and community languages (CERD/C/NZL/CO/18-20, para. 17; CERD/C/NZL/21-22, paras. 193-233; CERD/C/NZL/CO/18-20/Add.1, paras. 18-36).

16. Information on mechanisms for ensuring Maori participation in decision-making processes on activities affecting their land and resource rights and for gaining the free, prior and informed consent of affected communities (CERD/C/NZL/CO/18-20, para. 18; CERD/C/NZL/21-22, paras. 60-61 and 66-72).

17. Information on ways in which the enjoyment of Maori communities to freshwater and geothermal resources has been affected by the privatization of energy companies, the National Freshwater and Geothermal Resources Claim and the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (CERD/C/NZL/CO/18-20, para. 19; CERD/C/NZL/21-22, paras. 85-97).

18. Disaggregated statistics and information on efforts made to combat violence against Maori and Pasifika women.

19. Information on efforts made to implement and promote the United Nations Declaration on the Rights of Indigenous Peoples and on plans to ratify the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) (CERD/C/NZL/21-22, paras. 15-20).

**Situation of other ethnic minorities (arts. 2-7)**

20. Data on the participation of minority ethnic groups in the labour market and information on steps taken to address discrimination and increase participation of these groups in the labour market and to reduce the concentration of overqualified individuals in low-paying jobs (CERD/C/NZL/CO/18-20, para. 16; CERD/C/NZL/21-22, paras. 254-262).

**Situation of non-citizens, including migrant workers, asylum seekers and refugees (arts. 5-7)**

21. Information on the availability, accessibility and adequacy of social services, housing and employment for asylum seekers and refugees (CERD/C/NZL/21-22, paras. 114-120).

22. Information on the detention of asylum seekers and undocumented migrants in correctional facilities and on measures taken to ensure that persons deemed to be part of a "mass arrival" under the Immigration Amendment Act 2013 are not arbitrarily or unfairly detained (CERD/C/NZL/CO/18-20, para. 20; CERD/C/NZL/21-22, paras. 110-113).

23. An assessment of the annual refugee quota (CERD/C/NZL/21-22, para. 109).

24. Information on any agreement reached with the Government of Australia to annually resettle asylum seekers or refugees detained on Manus or Nauru and on any plans developed or efforts made to transfer asylum seekers to third countries for offshore processing (CERD/C/NZL/CO/18-20, para. 21; CERD/C/NZL/21-22, para. 119).

25. Information on progress made in preventing and investigating practices affecting ethnic minorities, such as human trafficking and acts of child sex tourism, committed abroad by New Zealand nationals and in prosecuting and sanctioning perpetrators.